

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT APPLICATION of:	:	
Kengo AKIMOTO et al.	:	
Application No.:	:	Group Art Unit: 1618
10/529,014	:	
Filed: May 5, 2005	:	Examiner: Nissa M. Westerberg
FOR: COMPOSITION CONTAINING	:	Confirmation No.: 8835
ARACHIDONIC ACID ALONE OR IN	:	
COMBINATION WITH	:	
DOCOSAHEXAENOIC ACID FOR	:	
ENHANCING COGNITIVE ABILITIES	:	
(As Amended)	:	

**Customer Window, Mail Stop Amendment**

Commissioner for Patents  
U.S. Patent and Trademark Office  
Alexandria, VA 22314

Sir:

**AMENDMENT AND RESPONSE TRANSMITTAL FORM**

- Transmitted herewith is an Amendment and Response to the non-final Office Action dated April 13, 2010.
- Additional papers enclosed:

- |                          |  |
|--------------------------|--|
| <input type="checkbox"/> | Drawings: _____ sheet(s) with _____ figure(s)  |
| <input type="checkbox"/> | Information Disclosure Statement   |
| <input type="checkbox"/> | PTO Form 1449 ( <u>5</u> References Attached)  |
| <input type="checkbox"/> | Citations  |
| <input type="checkbox"/> | Declaration of Biological Deposit  |
| <input type="checkbox"/> | Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence. |

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 130.00	\$ 65.00
<input type="checkbox"/> two months	\$ 490.00	\$ 245.00
<input checked="" type="checkbox"/> three months	\$ 1,110.00	\$ 555.00
<input type="checkbox"/> four months	\$ 1,730.00	\$ 865.00

Extension of time fee due with this request: \$1,110.00

If an additional extension of time is required, please consider this a Petition therefor.

4. Constructive Petition

☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	34	minus	35	0	x \$52 each =	+ \$0.00
Independent Claims (37 C.F.R. §1.16(b))	8	minus	8	0	x \$220 each =	+ \$0.00
[X] First presentation of Multiple dependent claim(s)					\$390.00	+ \$0.00
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						\$ 0.00

6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ Total Fee (**\$1,110.00** for the three-month extension of time fee) is to be charged to a credit card. **WARNING: Information on this form may become public. Credit card information should not be included on this form.**
- ☐ The Commissioner is hereby authorized to charge \_\_\_\_\_ to Deposit Account No. 50-0573 for the \_\_\_\_\_ fee.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0573.

Respectfully submitted,

**DRINKER BIDDLE & REATH LLP**

Dated: October 13, 2010

By: Christopher P. Bruenjes

Christopher P. Bruenjes

Reg. No. 62,941

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